

December 11, 2012

Dear House Judiciary Committee Members,

My name is Tammy Gifford and I want to tell you the story of what happened to my husband Mark. Mark went in for what we were told was a simple back operation. He was discharged the same day. Unfortunately, things didn't go well after we got home. Mark was in a lot more pain and he couldn't control his urine. The first night his legs gave out and he fell. I called the doctor's office back to report what happened and ask what to do. The person answering the phone said she "would let the doctor know." No one called back. So I called again. And again, and again and again. Each time the woman said, she would let the doctor know but he never called back.

One day I called 4 times. Finally after the fourth call they told my husband to go get a MRI. After the doctor saw the MRI he said he needed to operate again. He operated but it was too late. Mark is now permanently disabled, in constant pain. He cannot control his urine. He has no sexual function.

Our lawyers got the doctor's records but they said nothing about our phone calls. Fortunately we had our cell phone bill that proved our calls and when they were made. Mysteriously, when the doctor's deposition was taken, his office came up with new records including the messages that were supposed to go to the doctor.


A judgment was entered against the doctor and his office but his insurance company wouldn't pay it. Our case was won on appeal but the insurance company is still fighting over having to pay. In fact, we have to go back to Court this afternoon because the insurance company now won't pay the interest on the judgment. It has been 7 years since Mark's surgery.

I understand you are considering a law that would require cases like ours to have an expert witness to prove that a secretary should give the doctor his phone messages. I've never heard of such a thing. Worse, the patient would have to try to find someone whose qualifications matched the person who answered the phone. How would you do that? At first the doctor's office claimed it didn't even have a record of our phone calls.

Yes, I am angry. After 7 years we are still waiting. Victims of medical malpractice have very few rights in Michigan. I was shocked when I learned about the limits on malpractice cases like Mark's. I understand that these Bills would place further restrictions. I was appalled when we saw the deceit in the doctor's records and how the insurance company has behaved – even after we won our case. And won our case again on appeal.

This law, Senate Bill 1117, would make a system which is already unfair to victims of malpractice even worse. I encourage you to reject Senate Bill 1117.

Sincerely yours,



Tammy Gifford